Approved Meeting Minutes South Florida Ecosystem Restoration Task Force West Palm Beach, FL February 18, 2004

Welcome and Administrative Announcements

Mr. Rock Salt called the meeting to order at 1:10 PM noting that Ms. Ann Klee, in addition to her current duties as Counselor to the Secretary is also the Acting Deputy Chief of Staff. He said that she will join the meeting the following day and asked Rock to chair the meeting in her absence. He noted that he had received more compliments on the agenda than ever before. The minutes were presented with approval scheduled for the following day. Mr. Steve Walker noted Mr. Jim Shore did attend the last meeting.

Terrence "Rock" Salt for Ann Klee, Chair, U.S. Department of the Interior
Ernie Barnett for David Struhs, Vice-Chair, Secretary, Department of Environmental Protection (DEP)
Henry Dean, Executive Director, South Florida Water Management District
Jose Diaz, Commissioner, Miami Dade County
Alan Farmer for Benjamin Grumbles, Acting Assistant Administrator, U.S. Environmental Protection Agency
Mack Gray, Deputy Undersecretary, U.S. Department of Agriculture
Dexter Lehtinen, Special Assistant, Miccosukee Tribe of Indians
Earl Stockdale for John Paul Woodley, Jr. Assistant Secretary of the Army for Civil Works
Steve Walker for Jim Shore, Chairman, Seminole Tribe of Florida
Michael Collins, Chair, Water Resources Advisory Commission, Task Force Advisory Body
Greg May, Director, South Florida Ecosystem Restoration Task Force

Whip Around

Mr. Ernie Barnett announced that Secretary David Struhs would be leaving DEP to serve as the Vice President of Environmental Affairs for International Paper Company. Mr. Barnett said that he would be missed and that he was an incredible Secretary and a good advocate for the Everglades. Mr. Barnett explained that Ms. Colleen Castille will replace him effective February 28th. Ms. Castille is currently the Secretary of Department of Community Affairs and she has a long history of service to Florida.

Mr. Gene Duncan noted that Mr. Dexter Lehtinen had been delayed. He said the Miccosukee Tribe had requested that the Corps and SFWMD block two canals on the Miccosukee Reservation. The first is the L-28 canal which would re-flood 8,000+ acres of wetlands and rejoin the "triangle" back into the WCA-3A. The second is the L-28 interceptor canal along the western boundary which would stop the discharge of 9.4 tons of phosphorus every year from entering into the Everglades Protection Area. He said that this is the only solution on the table that would treat three of the four western basins for water quality.

Mr. Alan Farmer introduced himself as the Deputy Director, Water Management Division, Region IV in Atlanta sitting in for Mr. Grumbles who was unable to attend this meeting.

Mr. Roman Gastesi noted that Commissioner Diaz had also been delayed due to traffic. He said that he was glad to see the CSOP Advisory Team moving ahead so aggressively. He expressed satisfaction with the progress of the Consumptive Use Permitting for the County. He noted the County's interest in the Everglades budget agenda item. He distributed a Flood Management Report (Encl. 2) noting that Miami-Dade County is embarking on over 3,000 projects that will cost over \$800 million.

Mr. Earl Stockdale said that it was an honor to represent the Army noting that Mr. Woodley was unable to attend due to responsibilities at the Pentagon. He recognized the recent concerns with funding levels for Everglades projects. He expressed hope that these concerns had been laid to rest and referenced Mr. Woodley's letter to Mr. Struhs reinforcing the commitment of the Army and the Administration to ensuring that all projects are kept on track for 2004. He reported that the Army is close to finalizing and signing the two agreements and the scope of work that will establish the independent science review panel.

Mr. Barnett thanked Mr. Woodley for his letter clarifying the Army's funding for the Everglades. He noted the Governor's budget included \$100 million in general revenue and an additional \$25 million from the Florida Forever Act for the SFWMD. He said that by this time next year the state will have committed in excess of \$1 billion exclusively to CERP projects since WRDA 2000. He said that other high-priority efforts include working with the Corps and the SFWMD to complete the PIRs so that they could seek authorization for the Indian River Lagoon-South and Southern Golden Gate Estates projects. He noted that the first live broadcast of the Everglades Radio Network will take place on Monday. The network will transmit low frequency educational broadcasts to motorist traveling across the Everglades on Alligator Alley. Mr. Salt praised John Outland and others at DEP for their work on this effort. Mr. Barnett said that Mr. Outland successfully competed against commercial broadcasters to get a FCC license for this station and noted the website: evergladesradionetwork.org.

Mr. Mike Collins reported the Corps announced the potential for a funding reduction at the last WRAC meeting. He commended Assistant Secretary Woodley for his letter and quick response. He said the WRAC forwarded two projects to the Governing Board for action next month. The first project is the Consumptive Use Permitting (CUP)/CERP project interface which will establish the basic principles the Board will use to review possible conflicts between CERP and CUP. The second project is the CERP Recreation Issues Plan. He thanked Mr. Salt and Ms. April Gromnicki for their recommendations to expand the concept of public access to public lands. He thought this plan will serve as the backbone for the CERP Master Recreation Plan. Mr. Salt commended Rob Barton for his leadership and the group for bringing the outdoorsmen's concerns to the attention of staff. Mr. Collins noted the dialogue between staff, the sportsmen and other stakeholders resulted in some creative thinking and great ideas.

Mr. Henry Dean announced the District and DEP will host a Ribbon Cutting Ceremony at STA-3/4. He noted that Secretary Struhs and Nick Gutierrez would be in attendance. Mr. Dean announced that the Governing Board and the Village of Wellington had entered into an agreement to move ahead on the long delayed Acme Basin B fix within the city established deadline of December 2006. He noted that the SFWMD had purchased 51% of the lands needed for CERP and he commended Pam Mac'Kie and her staff for their work. He thanked Ken Haddad, Phil Parson and Steve Walker for their help in identifying over 50,000 acre feet of storage on agricultural, private and tribal lands enabling them to move forward with the Lake Toho drawdown without adding additional unwanted water to the estuaries.

Mr. Steve Walker said that he was General Counsel in July 1991 when the Board agreed to do STA 3/4 and he was glad to see it happening. He complimented the Corps and Task Force for the transparency in the process to develop the interim goals and targets. He said this transparency has both reduced catastrophic expectations and dampened unbridled enthusiasm. The Seminole Tribe has an ongoing concern with Lake Okeechobee regarding schedule changes, forward pumping, etc. Follow-up: He requested the Corps and the SFWMD brief the Task Force on their plans for the management of the Lake.

Mr. Mack Gray thanked Ron Smola for his service on the Working Group and wished him well with his retirement. He said that in May he would report how much 202 Farm Bill money was used in Florida last year and what can be expected for next year.

Mr. Salt recognized Carol Rist (Chair, CSOP Advisory Issue Team), Ken Haddad (Chair, Science Coordination Group) and Jay Slack (Chair, Working Group).

Prioritizing Task Force Effort

Mr. Greg May reviewed the need to more formally prioritize the work effort of the Task Force because of the increased workload associated with restoration. He was asked at the last meeting to develop guiding principles to assist the Task Force prioritize its work and developed three concepts for Task Force consideration.

1. The first concept is that the restoration effort is managed on three different levels. Individual agencies implementing their responsibilities operate at the first level. Partnerships of agencies, like CERP,

- operate on the second level. The reporting and coordinating activities of the Task Force take place on the third level.
- 2. The second concept deals with the characteristics of level three activities. Generally the Task Force should concentrate on strategic issues that are ecosystem-wide or regional in application, policy in nature, and programmatic.
- 3. The third concept is specificity. Determining the specific issue that needs to be addressed by a specific group by a specific time is needed to implement the three general priorities for 2004: CERP Implementation (water quality policy and interim goals and targets); Multi Species Management; and Implementation of CSOP and Modified Water Deliveries.

Mr. Collins said he liked the concepts and thought they responded to the request from the Task Force. Mr. Salt noted that while the actual work of restoration takes place at level one or level two, the Task Force performs an important role in coordinating these activities and in identifying gaps. Mr. Collins noted that the Task Force was responsible for coordinating restoration, but did not have statutory authority to task to an agency.

Mr. Gastesi said that maybe the Task Force should be the level one. Mr. May explained that he merely wanted to communicate that there are three levels of management activities taking place. Mr. Salt said that problems should be solved at the appropriate level. Mr. Barnett said the state agencies get their direction from the Governor and the Legislature. He recognized, however, that Task Force discussions have led to agency policy formulation and legislation. He noted that DEP has found the Task Force to be a valuable forum.

Mr. Salt asked if there was any discomfort with the concepts being presented and there was none. Mr. Walker asked how the prioritization relates to what Congress has asked the Task Force to do. Mr. May explained the Task Force has discretionary and non-discretionary priorities in addition to the consultation opportunities required by the programmatic regulations. Mr. Stockdale said that identification of duplication seems to be a good role for the Task Force. Mr. Salt concluded this segment by noting that this item was put first on the agenda to provide a lens for the interaction with the three subgroups that will follow. The next step is to identify actionable tasks for the Task Force and the subgroups.

Working Group Report

Mr. Jay Slack reported that the Working Group has met twice since the last Task Force meeting. He said that they were reassessing on-going activities in light of the Task Force's priorities for 2004 and linking the agendas and the meeting times to facilitate production of the products required by the Task Force. A mini-workshop on Programmatic Regulations, for example, was held at the last Working Group meeting. Following each Task Force meeting a mini Working Group meeting is held to "tee up" the next agenda items based on assignments from the Task Force. Mr. Slack said that he has also been attending the meetings of the recently formed Science Coordination Group to ensure cross coordination with the Working Group. Presently these groups are sorting out their roles with regards to particular issues, such as Aquifer Storage and Recovery (ASR). The focus of the next several meetings will be to refine specific actions that will further the Task Force general priorities. The Working Group is also preparing the draft update to the Strategic Plan, the Biennial Report, and the update to the Integrated Financial Plan.

Science Coordination Group Report

Mr. Ken Haddad presented a Power Point presentation (Encl. 3) on the work of the group to date. The group has three charges: drafting a plan for coordinating science; providing specific responses to priority work activities as assigned by the Task Force; and providing technical support to the scientific aspects of Working Group documents. The group has conducted two full meetings and one subgroup meeting to date. Ken noted that group receives support from the staff of the Office of the Executive Director and that they were considering contracting for additional technical expertise. The Plan to Coordinate Science is due to Congress in September 2004 and will be the group's primary focus. The plan will: track and coordinate programmatic-level science and other research; identify programmatic-level priority science needs and gaps; and facilitate management decisions. It will aid in making strategic management decisions and complement, not duplicate, existing science coordination efforts. The plan will focus on gaps in

coordination as well as gaps in needed science activities. These actions will help reduce the uncertainty and risk associated with restoration.

Ken noted that this approach will identify the strategic science universe, then identify what is covered and then identify those areas not covered by science activities and processes. The process will use existing conceptual models which exist for the ten regions and one for the total system. It will also focus on integration/synthesis, adaptive management protocols and multi-agency science planning processes that will facilitate communication with management. He expects that this effort will complement the work of RECOVER. The end result will be the specification of programmatic needs and gaps, focusing on those that provide the most risk to restoration success. He divided the restoration effort into three categories: CERP, other water-related projects and non-water-related projects. Ken said that because CERP had the RECOVER process that the group would primarily focus on the non-CERP areas. He concluded by reviewing the schedule for developing the plan noting that they anticipate having a draft in August.

Commissioner Diaz expressed his desire to have sufficient time to review the plan and was concerned about the proposed schedule. Mr. Stockdale also expressed his concern with the short amount of time available to review the plan. Mr. Haddad said this schedule supported two competing goals: getting the plan right and meeting the September deadline. If this schedule will not work for the Task Force, then Ken requested an extension. Mr. Collins agreed that the schedule was tight, but said that if the incremental drafts were more like finished products then perhaps it might work. Mr. Salt said that Secretary Norton and others will have their hearings in March and will be asked about progress on this report.

Mr. Stockdale asked for clarification on the difference between other water projects and other projects. Mr. Haddad said other projects would be those activities to meet the non-water goals of the Strategic Plan such as the control of invasive exotics. Mr. Lehtinen asked if there was a list of CERP projects, other water projects and other projects. Mr. Salt explained that those lists were included in the Strategic Plan. Mr. Haddad said that this categorization was not meant to be definitive, but rather was trying to reinforce the idea that there are things other than CERP going on. Mr. Gray urged the Task Force to be careful and not let this effort grow beyond what can be delivered by September. Mr. Gray and Commissioner Diaz stated their desire to submit the report on time in September. Mr. Lehtinen emphasized his concern that they have enough time to review the document and said he was confused with the methods and approach slide and hoped to received clarification in the May draft. He did not believe that conference calls were appropriate for this type of discussion. Mr. May provided a draft of the science staffing analysis (Encl. 4) and requested comments by the following day.

CSOP Advisory Team Report

Ms. Carol Rist reported that the team has had four meetings to date that were focused on team building and education since they will be discussing some tough issues. She noted that they have identified four key issue areas: WCA 3A and WCA 3B; 8.5 SMA operating rules; the south Dade buffer/water retention areas; and Taylor Slough/Shark River Slough/Florida Bay area. The team developed strategic performance expectations for each of the four areas and looked at them from several perspectives: stakeholder, hydrological, ecological, flood control, recreation and water quality.

Mr. Lehtinen asked whether the team has had discussions about the residents being moved from the condemnation area to the non-condemnation area. Ms. Rist clarified the issue did come up, but that the team is trying not to discuss it since they are concentrating on their charge from the Task Force which is the operating plan. Mr. Salt noted that he participated in the 8.5 SMA subgroup with Madeleine Fortin, Alice Pena, and Roman Gastesi among others. This subgroup was able to come to complete consensus on a series of performance expectations. Mr. Lehtinen asked whether this consensus included identifying the model that would define the amount of flood projection to be provided. Mr. Salt responded that the team would see the modeling results once they were provided by the Corps. Mr. Lehtinen remarked that it is easy to agree on broad principles, but that the technical details were really important. Mr. Collins said they did not expect an advisory group to make technical decisions, but to identify the issues that needed to be dealt with. Mr. Gastesi noted that Miami-Dade County participates on both the PDT and the CSOP Advisory Team. The Advisory team is looking more at guiding principles. He said that the County wanted to see flexibility; if a storm was threatening, then they wanted to see pre-storm draw downs. Mr. Lehtinen asked how many

people are doing modeling. Mr. Gastesi said ENP, Corps, SFWMD, and Miami-Dade County are all doing their own modeling and that there will be forty-one model runs in a period of a few months.

Mr. Salt further explained that the advisory team is laying out the common set of expectation to be worked through by the PDT. Mr. Lehtinen said that with respect to flood protection in the 8.5 SMA, the group should not disagree that they are entitled to the 1989 level of flood protection or that no adverse impact greater than what they got in 1989. Mr. Stockdale said that except for the homes that were bought, people would not be put in a position worse than 1989 levels.

Updates

2005 Budget Update, Mr. Salt reviewed the DOI budget. He noted that the Loxahatchee Refuge received a one-time appropriation of \$5 million for water quality monitoring and modeling and invasive exotic removal in 2004. He also noted the \$40 million for the acquisition of mineral rights in the Big Cypress included in the President's Budget. Finally he mentioned that the Modified Water Deliveries Project reflects a decrease of \$4 million, but that the \$8 million request for 2005 reflects the amount of money needed, when added to the unexpended carryover that's available, to meet the Army's projected financial requirements through 2005.

Mr. Lehtinen asked about the Task Force's budget. Mr. Salt said it is included in the budget under Task Force at \$1.3 million. Mr. Lehtinen asked to see who is employed by the Task Force and how the money is spent. Mr. Salt said the Task Force staff receives additional funds from the National Park Service's Critical Ecosystems Studies Initiative (CESI) for ecosystem planning. These funds are used for planning efforts such as the Task Force's Strategic Plan and for developing the strategy for controlling invasive exotics.

Mr. Barnett asked about the \$5 million grant to the state of Florida entry. Mr. Salt noted that Congress took away \$5 million that had been appropriated to the state in 2004. Mr. Barnett noted the critical need to fund the land acquisition component of CERP and he hoped to have more land acquisition dollars. Mr. Salt said the priority this year is the acquisition of mineral rights in Big Cypress. Mr. Collins expressed his disappointment with the lack of funding for land acquisition. He asked about the funding for research and wondered what other research is being done and whether it was a duplication of previous efforts. Mr. Salt explained that as Interior looks at its science and information needs, the process includes reviewing what other agencies are doing. Mr. Collins said that when the SFWMD completed its review they put the excess money into buying land. He was concerned that when Interior completed its review that they would conclude they needed more science. Mr. Salt and Mr. Collins both recognized the different missions of the two agencies.

COL Carpenter reviewed the Corps' budget and said they have the funds required to execute the program as planned. He explained that this effort was fragile because every year they had to compete nationally for funds and must show progress. For FY05 a total request of \$125 million was made consisting of three budget lines: C&SF, CERP and the Kissimmee River with a new construction start beginning in FY05. Changes from FY04 to FY05 are based on construction that is ongoing and a projection of what monies will be needed. He concluded by saying that he was comfortable with the budget situation.

Mr. Barnett noted that the C-111 shows a decrease in the request due to the delay of the land swap. He said that Representative Mario Diaz Balart is filing a bill, HR 30785, authorizing the land swap and he asked whether the Corps had the flexibility to shift funds back into this project should the land become available. COL Carpenter said it would be difficult for him to get additional funds without Congressional action. Mr. Stockdale clarified that Everglades Restoration is a national priority and they will use every bit of flexibility they have to keep this priority on track. Mr. Lehtinen asked how the budget had flexibility when individual projects were funded as line items. COL Carpenter noted that the Corps has the ability to reprogram funds based on a list of variables. Mr. Stockdale clarified that if funding is identified for a project specifically in statute, then they must spend in accordance with the language. Mr. Lehtinen asked for clarification about the restoration of the funding. COL Carpenter provided a generic example stating that if the Corps requested \$1million then they would get the money minus slippage and savings. Mr. Lehtinen asked whether the Corps was restored to capability or the original request. COL Carpenter stated that they had all the money that they had asked for.

Independent Scientific Review

Mr. Dennis Duke reviewed the Scope of Work (Encl. 6) for the independent science review panel and the Intergovernmental Agreement (Encl. 7) between the Department of the Army, Interior and the Governor. The independent science review panel is required by WRDA 2000 and will provide an independent report on the progress of CERP to Congress every two years. Mr. Walker asked about the relationship between the work of this panel and the CERP interim goals and targets. Mr. Duke clarified this panel would evaluate the Corps' overall progress towards restoration and would have access to the interim goals and targets process. Mr. Appelbaum said that he expected they would look at performance measures and indicators and would coordinate with RECOVER. He noted that the panel's mission is derived from the statutory requirement to review progress towards meeting natural system goals of the Plan and provide a biennial report to Congress.

Mr. Collins said that he had a problem with reports from the National Academies going to the press with only a two-day notice. He also wanted to make sure that they focused on reviewing the science. Mr. Stockdale said the agreement was similar to previous agreements with the National Academy of Science allowing them to have some independence. Mr. Collins said he was all for preserving their independence, but reiterated the need to have sufficient time to review the document before it's released to the press.

Mr. Salt reported the CROGEE completes its five-year contract this summer and there are no plans to recommission the group. The programmatic regulations require individual peer review, where the various entities responsible for science are responsible for doing independent reviews of their science as part of their management responsibilities – a level one or two activity. He noted that this Task Force has made clear that agency peer review is not one of its functions, but there may be occasions when the Task Force would want independent review of its work products. Mr Collins asserted that all of the science used by the SFWMD to make decisions is peer reviewed and wondered if other agencies where using science that is not being peer reviewed. Mr. Salt said he was not sure, but that was one of the questions the Science Coordination Group has asked.

Interim Goals and Targets

Interim Goals and Interim Targets, Mr. Stu Appelbaum provided a Power Point presentation (Encl. 8) and explained that interim goals will measure progress toward achieving restoration throughout the implementation period while the interim targets will measure progress toward providing for the other water-related needs of the region. He noted that Congress wanted realistic projections of where they expected to be at a given point in time so that they could measure progress and provide for accountability. The Master Implementation Sequencing Plan (MISP) is the basis for predicting performance. Interim goals are the performance expectations along the way. Each Project Implementation Report (PIR) needs to describe how that project, when implemented will contribute towards the goals of CERP. They have until June 14, 2004 to provide recommendations to the Corps, WMD and Interior, then two parallel processes (Interim Goals and Interim Targets) will be launched. The Interim Goals Agreement needs to be signed by the Secretary of the Interior, Secretary of the Army and the Governor and executed by December 13, 2004. Establishment of the Interim Targets requires the signature of the Secretary of the Army and the Governor and must be executed December 13, 2004.

RECOVER Process, John Ogden reviewed the process noting the first task was to identify a source for the performance measures that RECOVER would consider for Interim Goals and Interim Targets. Once the large set of performance measures was identified, they needed to identify the criteria for selecting the subset of possible indicators. The draft list was created using the criteria and was released for informal agency and public review. Recommendations were taken and the indicators on the list were revised. A second draft list was prepared and is out for review until February 20th. They have yet to make the calculations of the predicted level of performance at five-year intervals. He reviewed the criteria for selecting the indicators noting that RECOVER developed their own set of guidelines that they thought were important. He concluded by saying that their recommendations would be independently reviewed before they were forwarded.

Mr. Collins cautioned against buying into the concept that the amount of work completed correlates with the response from the system. He said he has never been comfortable with the idea that 50% of the work will provide 50% of the benefits. It's the maturity of the system long after the project has been completed that will provide the benefits. Mr. John Ogden agreed there will be some immediate responses and some responses may take 20 years. He reviewed the four questions they will be asking the peer review panel to consider and asked for input from the Task Force members.

Mr. Walked noted the Seminole Tribe's concern about reaching an agreement between all the parties and was reluctant to include the indicators with a less developed understanding of cause and effect. Mr. Ogden said that while they believe this is the right suite of indicators to track CERP, the parties may agree to not include all of them in the initial agreement. Mr. Walker encouraged limiting the agreement to only those indicators with a high degree of confidence. Mr. Appelbaum said their job is to put the best scientific information together for the decision-makers. Mr. Walker noted that many activities outside of CERP's sphere of influence would affect phosphorus loads. He asked how outside factors would be accounted for in the performance measures. Mr. Ogden said they will be using their best technical expertise to interpret the causes of the responses. Mr. Salt asked whether they would consider modifying the Monitoring and Assessment Plan (MAP) based on comments from the Independent Scientific Review Panel. Mr. Ogden said they would consider modifying the MAP, but that it would not happen quickly since they have to follow a process. Mr. Walker asked when the official consultation begins. Mr. Appelbaum explained that informal consultation has been ongoing throughout the process. Once RECOVER makes their recommendation in June it will be up to the Corps, SFWMD and DOI to formally consult with all the parties and the tribes.

Programmatic Regulations, Mr. Appelbaum provided a Power Point Presentation (Encl 9) and reviewed the activities required by June and December 2004. Six Guidance Memoranda will be developed jointly by the Corps and the SFWMD for approval by the Secretary of the Army with concurrence of the Secretary of Interior and the Governor. The regulations require the development of the memoranda by December 13, 2004. He noted that Guidance Memoranda 5 and 6 would be the most difficult since they relate to identifying the water to be reserved and the savings clause respectively. Development of all six memoranda is underway and the goal is to provide the first drafts by June.

Initial CERP Update (ICU), Mr. Appelbaum noted the regulations require an update of the plan every five years. New models and information will drive this process and the process will determine whether further structural or operational modifications need to be considered. The RESTUDY used a 1995 existing condition run which has now been updated to a 2000 existing condition run. The 2050 future without project condition run has been updated based on the new model and information. They are going to update the plan D-13R that is now called CERP 1. A sea level rise scenario will also be run to determine what will happen if CERP is built and the sea level continues to rise.

Mr. Gastesi asked what they were using for the rise. Mr. Appelbaum said they are using eight tenths over 50 years which is the median of the published data. The South Florida Water Management Model (SFWMM) or the 2x2 model now uses a 36-year period of record. There are a number of changes from the model version 3.5 used in the RESTUDY and the 5X version being used now. The Natural System Model (NSM) is a specialized case of the 2x2 model so when changes are made to the 2x2 model then corresponding changes are made in the NSM model. During the RESTUDY they used version 4.5 of the NSM and now they are using version 4.6. Updated population information has also been plugged in. The 1995 run was based on an extrapolation of the 1990 census data while the 2000 run uses actual 2000 census data. The urban water demands are based on the population models and there has been a significant change from what was used in the RESTUDY. The 2000 model run and 2050 model run have been completed, posted and evaluated. The CERP 1 run is now ongoing and the sea level rise scenario will be run next. The ICU is set to be completed by May 2004.

Pre-CERP Baseline, Mr. Appelbaum reviewed the definition from the regulations noting that it is a concept that involves the modeling and the assumptions that go into the modeling and that it is not a definitive answer. It is a tool to aid in determining if existing legal sources of water will be eliminated or transferred or the application of the savings clause. The Corps and SFWMD will develop the baseline by

June 14, 2004 in consultation with others including the Task Force. It will then be approved by the Secretary of the Army with the concurrence of the Secretary of Interior and the Governor.

Master Implementation Sequencing Plan, Mr. Appelbaum noted that the sequencing in section ten of the yellow book was updated in July 2001. He explained that changes have been made since then. The Programmatic Regulations, for example, require projects to be sequenced and scheduled to maximize achievement of goals and purposes of the Plan at the earliest possible date. The yellow book did not do a good job of explaining why projects were sequenced a certain way and they want the MISP to tell the story. Review is necessary because the water requirements have changed. WRDA 2000 and the Programmatic Regulations lay out a formulation and evaluation procedure which requires a review of the scope of the PIRs and project phasing. The next added increment requires them to look at the groupings of the components of the projects. They will use the MISP sequence to drive the predictions for the interim goals and target. In addition to the new requirements of the Programmatic Regulations there are also technical dependencies and constraints. They will not build ASR, for example, until the pilot projects have been built and the regional studies have been completed. The acquisition of lands by the sponsor will also drive the sequencing. The sequencing effort will be completed in two phases and will be refined over the next several months.

Mr. Collins noted that in accelerating the land acquisitions the SFWMD looked at the storage, basic resource issues and compelling needs. He asked whether the Corps was looking at compelling resource issues with time limitations. Mr. Appelbaum said they needed to address those types of issues, but have not done it to date. Mr. Salt asked whether they would know by March where everything will fall in the cue. Mr. Appelbaum said yes.

Public Comment

Mr. Patrick Hayes (Loxahatchee River Coalition) said he had been attending these meetings for three years because the Loxahatchee River was left out. He said that he was encouraged by the SFWMD's intense focus on restoring the flow through Loxahatchee. He said he was frustrated over the watershed being left out of all the RECOVER documents like the interim goals. The information is ten years old and the water budget does not reflect reality. He noted that he made the same comments back in June to the AAT and the information was not included because the Greater Everglades Ecosystem is defined as the portion of the Everglades below the C-51 canal. He said he did not understand why the Northeast Everglades are being left out. Mr. Salt agreed. Mr. Collins thanked him for his comments regarding the District. He noted the district has purchased the land and is working on restoring it outside of CERP. Mr. Salt said he agreed that the performance of the CERP components on the Upper East Coast should be included.

Mr. John Arthur Marshall (Environmental Action Committee) said they continue to note the absence of a Northern Everglades watershed conceptual ecological model as part of the regional models. He said this casts doubt on the entire value of the conceptual ecological models. He said that the area of greatest stress is not being addressed. He asked how they could peer review something that did not exist.

Ms. Susan Kennedy (Loxahatchee River Coalition/Jupiter Farms Environmental Council) responded to Mr. Ogden's questions about the appropriateness of the draft the indicators. She noted that although she is not a scientist, what is most obvious is what is lacking. There are water supply goals for the northeast Everglades, for public water supply and for the volume in the Northeast Everglades, however, none of the other indicators are applied to the Northeast Everglades region. There are ongoing CERP projects such as the Pal Mar Hydroperiod Restoration, L-8 Basin Restoration, Loxahatchee River Restoration but with the draft interim goals they have no way of measuring whether or not they are doing the right thing. She implored the RECOVER team to include indicators for the Northeast Everglades.

Mr. Dan Clark (Cry of the Water) showed pictures taken in February 2004 following 3-5 inches of rainfall. He noted the water went down the street and out over the beach. He also showed pictures of pipes and drainage coming from condominiums and parking lots out onto the beach. He said these issues need to be addressed by the municipalities and they won't until they are "cut-off" and "weaned" from federal dollars.

Ms. Stephanie Clark (Cry of the Water) provided documents (Encl. 10) prepared for the Broward Beach Project and compared the information from the final EIS to the 2001 Shore Survey prepared by Broward County. The introduction to the 2001 Shore Survey states that it was created for the Beach Project yet it was omitted from the final EIS and Broward County has not conducted any beach shore surveys since 2001. She noted the difference between both documents. The 2001 survey shows substantial beach rebuilding and the EIS shows that beach is being lost. By including data from the years after the 1983 dredging project the shoreline changes were increased. She urged the use of new data since the data used did a poor job of portraying the current conditions. Broward County has an obligation to use the best available data and should not be allowed to ignore it.

Mr. Jose "Pepe" Diaz said they needed to take this seriously since Florida depends so much on its coastal resources. He urged the Task Force look into this and he looked toward industry to get some of these things funded.

Meeting adjourned at 5:45 PM.

Approved Meeting Minutes South Florida Ecosystem Restoration Task Force West Palm Beach, FL February 19, 2004

Welcome

Ms. Klee called the meeting to order at 8:40 AM and moved for approval of the minutes. Mr. Dean made a motion which was seconded. There was no objection and the minutes were approved as amended. Joining the meeting on the second day:

Ann Klee, Chair, U.S. Department of the Interior Roman Gastesi for Jose Diaz, Commissioner, Miami Dade County

Indian River Lagoon (IRL) Project Implementation Report (PIR) Consultation

MAJ Erik Stor provided a Power Point presentation (Encl. 11). He noted the IRL benefits both Martin and St. Lucie counties. He reviewed the project features that include: 135,000 acre-feet of reservoirs; 35,000 acre-feet of STAs; 90,000 acres of natural storage and 3,100 acres of flood plain restoration at total project cost of \$1.2 billion. He explained that the amount of muck to be removed increased from 5.5 to 7.5 million cubic yards, but at slightly less cost. MAJ Stor noted that the public comment period for the draft PIR closed on February 10th and that the feedback was overwhelming positive. He anticipates that the Chief's Report will be completed this summer.

Ms. Klee asked several questions regarding the costs cited in the presentation and she noted that it was difficult to compare 1999 dollars to 2001 dollars. Mr. Collins said that a significant portion of the cost increase was due to the increased cost of real estate. MAJ Stor added that some of the cost increase reflects added benefits such as: enhanced phosphorus and nitrogen reduction, restored upland habitats and more natural flow patterns, increased spatial extent of wetlands and natural areas and reduced demand on the aquifer. Mr. Mack Gray clarified this area does not drain into the Everglades but into the Indian River Inlet and he noted that the reduced phosphorus loading will benefit Lake Okeechobee. MAJ Stor explained that the IRL South project will be the first CERP project authorized since the initial project authorizations in 2000. He said that the plan represents \$1.2 billion of the \$8.4 billion cost. He concluded by noting that the 250 to 300 people attending the last public meeting had only positive remarks.

Ms, Klee asked why the first CERP project authorized after WRDA 2000 does not directly benefit what people typically consider the Everglades. Mr. Dave Unsel explained that it would benefit the northerly extent of the river of grass and noted that there are still pockets of sawgrass on the Allapattah Ranch. He said that while it was not part of Everglades National Park that it was part of the historic Everglades and contributes to the system. He also noted that the IRL is the most bio-diverse estuary in all of North America. Mr. Dean added that one needs to look at the system in its entirety from Shingle Creek to Florida Bay. He said that the more water that can be stored in reservoirs and STAs the better. He noted that the decision to release hundreds of thousand of gallons of water during the hurricane season is not an easy decision. He also said that in February 2003 they had problems with STA 1W because of the huge amount of water and lack of storage. Mr. Collins said they were able to acquire some lands for this project ahead of schedule because of the strong community support. He asked if impact on the resource was a consideration when changing the sequencing of the projects. He expressed his hope that this project would serve as a role model for the other projects. Ms. Klee explained that although it is one system, most of the folks on the Hill are looking for projects that are in the Everglades ecosystem further south and not thinking about projects that benefit the estuaries. Mr. Dean said he could draw a direct correlation to the benefits such as phosphorus reduction. Mr. Collins added that better operations of the lake would provide hydropattern and nutrient benefits. Mr. Stockdale said it was helpful to remember that the authorization contemplates the entire south Florida ecosystem, a geographic expanse that is captured by Congressional intent.

Stakeholder Presentations

Ms. Sarah Heard, Martin County Commissioner, said she was representing local government and noted that Martin County endures an unusual and unnatural connection to the Everglades via the St. Lucie canal. She

explained that when they have unusually wet years, that when the lake levels are high, that when the integrity of the dike is threatened, that when the system is not managed integrally and the lake levels need to be drawn down, then the St. Lucie canal serves as one of two discharge points. She explained that while any discharges of freshwater are harmful to the estuary, that the billions of gallons that were discharged during the El Niño event were disastrous. She concluded by noting that the 120,000 residents of Martin County were able to raise over \$50 million to buy land and that they are ready for CERP and the IRL Plan.

Mr. Kevin Henderson, President of Evergreen Engineering and an active member and co founder of the St. Lucie River Initiative, said that he was representing the business community. He said the Initiative was formed in 1991 by the Stuart Rotary and Martin County Chamber of Commerce who were frustrated when government entities and environmental interests failed to improve the estuary. By 1995 they had developed the outline of what is now the IRL plan. He noted a study conducted by the University of Florida that stated the economic value of a restored estuary to Martin County at \$25 million per year and the value of the freshwater being discharged to tide from Martin County's watershed at \$300 million and concluded that they would be able to restore the estuary for free.

Mr. Doug Bournique, Indian River Citrus League, explained that his League is a trade association of about 1,100 growers from New Smyrna to the West Palm Beach canal. He noted that he has known Mr. Dean since he was the Executive Director or the St. Johns Water Management District. Mr. Bournique recalled that the grower membership was not originally in favor of the Upper St. Johns project, but that they gradually changed their position as they watched the environment improve throughout the process. He said he was proud of what Mr. Dean and his staff did in the Upper St. Johns and noted the fishing is now sensational. On behalf of the grower industry, he said they are fully onboard with the IRL Plan because they know this will work and it will be a tremendous benefit for all concerned.

Ms. Maggy Hurchalla, representing environmental interests, said that she served on the Governor's Commission for a Sustainable South Florida and was part of the team that worked for three years to put together the IRL plan. She said the IRL plan does what Congress asked us to do and that it is a start in solving the problems with Lake Okeechobee and is not just a part, but a critical part of the Everglades system. She explained that Western Martin County and the IRL plan may provide the only opportunity to do what CERP said was one of its major goals, which is to expand the spatial extent of short hydroperiod wetlands. She said that this plan will recreate 92,000 acres of habitat and that will lead to the return of the birdlife. She said they need to take advantage of an opportunity such as this one noting that if this project cannot get authorized this year with all of the legitimacy and support that it has, then things will be pretty grim for the other future projects.

Mr. Leonard Lindahl, SFWMD Governing Board member and Martin County resident, said the elected officials, environmental, business and agricultural interests are all here saying that they support this project. He asked for the Task Force's support to make this happen. He said that this project contributes to important CERP goals such as storage, reduction of unwanted freshwater flows into the IRL and the potential to use that surplus water for the benefit of the environment. He said the benefits to Lake Okeechobee will be integral to the ecosystem and he hoped to get this into the next WRDA. Mr. Henry Dean added that the IRL will have major benefits for environmental restoration, agri-business and tourist industry such as sport fishing.

Follow-up: Ms. Klee said the IRL presentations were helpful and asked the Task Force whether they had any interest in having the Task Force weigh in either with the Corps, the Congress or both to show its support for the Indian River Lagoon project as part of its oversight and coordination responsibilities. She asked Mr. May to prepare a draft letter. Mr. Stockdale said the Army could not encourage anyone to lobby for legislation on this issue but said it would be helpful for Congress to get an understanding of all points of view. Ms. Klee said they would not lobby Congress but present a full explanation of the importance of the project. Mr. Stockdale said the emphasis should be less on the legislative and more on the merits and substance of the project.

2004 Everglades Consolidated Report

Mr. Dean presented an Executive Summary (Encl. 12) of the Everglades Consolidated Report prepared in partnership with DEP. He noted that the Everglades Forever Act (EFA) requires that they provide a peer-reviewed report that summarizes all of the data and findings gathered over the course of the previous year. He explained that while water quality is the central theme, it also addresses the ecological and hydrological needs of the system. He noted that the District consolidated many reporting requirements with this one document. He reviewed the major findings which were included in the handout.

Ms. Klee asked about the 35% load reduction figure attributed to BMPs. Mr. Garth Redfield said it meant that there was 35% less than predicted had there been no BMPs in place (without project conditions) and was not a comparison to what came off in previous years. Ms. Klee asked about the long-term STA average outflow of 40 ppb. Mr. Gary Goforth explained that the 40 ppb is a ten-year average discharge from all four STAs. The performance of individual STAs varies depending on their age, circumstances and the problems they have had with particular locations. The average STA performance last year was 50 – 55 ppb. This was attributed to greater than expected loads from the C139 basin resulting in a 135 ppb average discharge from that STA. Mr. May noted that when all the STAs come online they will be able to attenuate, but not totally eliminate high-water flows. He asked how they would deal with the occasional high-water event once all the STAs were online. Mr. Goforth said that once STA-3/4 comes online, they will more than double the acreage of storage and treatment available. He explained that the additional storage will make all the difference in the world for not only for the Everglades but for the estuaries as well. He said the district has also begun enhancements of STAs which should result is an immediate improvement of 50% phosphorus reduction.

Mr. Dexter Lehtinen provided a handout (Encl. 13). He noted that inflows of phosphorus into all the water conservation areas increased from 2002 to 2003. He referred to page 24 of the report and said that the actual amount of phosphorus going into the Everglades Protection Area exceeded what had been expected according to the Consent Decree. He believed that the STAs were overloaded because of WSE. Mr. Lehtinen added that the ribbon cutting ceremony for STA-3/4 celebrated putting water into it, but that they were unable to discharge from it. Mr. Gary Goforth clarified that they currently have the authority to discharge from a 6,500 acre portion and hope to have another 4,500 acres working within a month or so. Mr. Lehtinen acknowledged that is better than none, an improvement. Ms. Klee asked about the ever increasing inflows. Mr. Goforth said the chart she was referring to represents a period of time between July 2001 and November 2003. He explained that during this period total phosphorus concentrations coming in were just short of 200 ppb and that the system was responding to the loads from the previous seven months. He noted that STA-1W will not receive this amount of lake water ever again because it will go to STA-3/4. He also said that once STA1-E comes online that it will provide additional phosphorus load reduction since it has been designed to capture EAA runoff. He noted that some portion of the STAs will be offline between now and 2006 while they complete improvements and enhancements.

Mr. Lehtinen, referring to page 10, said these projections are reductions against what the future increase would have been if reform steps had not been taken. It does not mathematically mean that there was a reduction and there could have been an increase over historic discharges. Every year the District says that had they not taken steps, there would have been massive increases. Mr. Redfield added that while it is not useful to look at individual years, they have made progress since the BMP was established and the average reduction has been 50%. Ms. Klee said it was not particularly enlightening to look at BMPs versus the absence of BMPs. Mr. Redfield said that the STAs and the BMPs along with the Long Term Plan will move them closer to the 10 ppb. Ms. Klee asked what additional reductions were being achieved from the prior years through enhancements and better application of BMPs. Mr. Redfield said that an enormous amount of progress was being made by the agricultural community. Mr. Collins said the assumption that 50% of the work will equal 50% of the benefits is false. He said that the benefits will be incremental until everything is up and working and the system has had a chance to mature. Mr. Dan Hayes reported the flow through portion on STA-1E and the inundation will be completed in March 2004. He also noted that the PSTA would be ready in December 2004 and the western portion would be ready in June 2004. The Corps expects another 6 to 18 months before discharges can commence.

With respect to integrating state water quality projects with the CERP, Mr. Lehtinen noted the Tribe's concern that one of the assumptions for CERP was that the state would meet its water quality criteria. He said the Tribe believes that integrating state projects with CERP is a way of delaying some water quality criteria achievement and this is the reason the Long Term Plan was adopted by the Legislature. He explained that the Tribe objects to integrating these projects with CERP since it assumes that the state has met its water quality criteria. He noted that the expected performance for S-9 was deleted from the 2003 report, but had been included in a prior Consolidated Report from two years ago. He said he understood that it was the Districts' intent not to overload the STAs in the future. Mr. Lehtinen stated that the Tribe believes that the STAs probably can achieve what is needed for the Everglades within design capacity, but they are concerned that more water is destined to be put into the Everglades than the STAs were designed to handle. He believes this is why there is an attempt to define 10 ppb as a geometric mean. He closed by saying the Legislature is putting the Water Management District in a difficult position and described it as an "impending train wreck".

Mr. Mack Gray said that whatever operating rules and goals are in place will have to be adjusted. He believed that when there is a relatively high water year, the rules will have to be bypassed. Mr. Collins explained that the SFWMD had anticipated those conditions. Mr. Goforth agreed they did not want to overload the system and asked why Dexter believed there would be more flows than the STAs were designed to handle and referred to a provision in the Everglades Forever Act (EFA). Mr. Goforth explained that STA-3/4 is designed to capture the 250,000 acre-feet from Lake Okeechobee. Mr. Lehtinen said he would be happy if the District would demonstrate and certify that all the water delivered to the Everglades would be counted and that the volume of water is within design capacity. He stated that his proposition had been rejected in numerous forums where District has sought to preserve its right to deliver additional water by either by-passing the STAs or not have it counted. Mr Goforth explained the Consent Decree allows for urban water supply deliveries through the Everglades canal and that those deliveries do not have to be counted. Mr. Goforth explained that as an engineer he did not want to overload the system and that the design of the enhancements was based on a 31-year period of record. Mr. Gray said that somewhere in their engineering analysis they must have used a probability of exceedence and that would answer the question. Mr. Collins said that one of the benefits of CERP was the ability to store water and deliver it in more natural hydropatterns. He explained that more storage in the EAA is an option, once the need is established scientifically. He also mentioned that the District was looking for opportunities to cooperate with the Seminole Tribe and others to store water on their land and get it out of the lake. Mr. Redfield, Chairman of the Technical Oversight Committee (TOC), said that they were discussing many of these issues. He noted that the Long Term Plan for achieving water quality goals also addresses these issues in detail. Mr. Goforth offered to sit down with Mr. Lehtinen to discuss this issue further.

Reporting Requirements

Mr. Greg May reviewed the Task Force's statutory reporting responsibilities for this year which include the update to the Strategic Plan, the Biennial Report and the plan to coordinate science. Ms. Linda Friar noted that several reporting requirements had been consolidated in a two volume set. She explained that Volume I contains the updated Strategic Plan, Total Cost Report and the Biennial Report while Volume II contains the detailed outline for each project. She said that the drafting team, representing the various agencies on the Working Group, was preparing the initial draft. She noted that the initial draft will be provided to the Task Force in May, and the final report is due in September, Mr. May explained that the drafting group was preparing two kinds of information; project specific data sheets and narrative information to describe what has happened over the last two years. Ms. Klee said that in order to get a report to Congress by September, the Task Force needs the final draft prior to August. She wanted to make sure the Task Force took a hard look at Volume I to ensure that it captured all the hard work and progress. She asked that more time for Task Force review be built into the process and suggested chapters or portions of the document be provided. She asked for something to be provided before May. Mr. Stockdale said it would be helpful to have an initial draft followed by a meeting. Mr. Collins said they had a similar conversation with the SCG and suggested they get it as it is being developed. Follow-up: Ms. Klee asked to have maximum opportunities to review this document. Mr. May said that the Task Force and the Working Group would receive the drafts at the same time.

Implementing 2004 Priorities

Mr. May reviewed the Task Force's three discretionary priorities for 2004:

- CERP Implementation Interim Goals and Interim Targets and CERP Water Quality Policy Issues
- Multi Species Management
- CSOP and Modified Water Deliveries Implementation

He reviewed the draft 2004 workplan (Encl. 14). Mr. Collins noted that the WRAC was going to deal with many of these issues and he asked Mr. May to link up with Mr. Rick Smith. Ms. Klee said they needed to narrow the focus and determine what exactly the Task Force would like to address for Multi Species Management – to determine where the Working Group could bring value-added to the process. Mr. May explained that the CSOP Advisory Team was developing performance expectation that would have great utility in explaining to the Task Force the strategic level issues or themes that the Corps should consider when they go through their detailed process. Mr. Collins said it was useful for the Working Group to identify issues for the Task Force to review and make policy decisions. Ms. Klee said that would be appropriate. Ms. Klee noted her concern that they not be overly ambitious. Mr. Collins said the Working Group should focus on the implementation piece of the Multi Species Recovery Plan. Mr. Duncan agreed the plan is short on how they are going to do recovery. Ms. Klee said the Working Group should look at the Multi Species issue and help define the specific issues they are trying to address, the current status of implementation, and identify the on the ground efforts that are underway. They should also help identify the obstacles, what strategies should be implemented, and what the Task Force can do to enhance implementation of the plan. They should look to see what grant programs could be used more effectively. Mr. Jay Slack said they have a team working on the implementation schedule and a draft is being developed. He suggested the Working Group look at the draft document in a workshop format at its next meeting. Follow-up: Mr. Slack will provide the current draft and based on that draft the Working Group will develop a set of strategic issues or questions. Mr. May said facilitation would be helpful with this process and said he anticipates that it would take a minimum of three Working Group meetings to work through the issues and would report back to the Task Force at the end of the year.

Public Comment

Ms. April Gromnicki provided a letter along with resolutions (Encl. 15) supporting the IRL and SGGE. She said that the SGGE remains a priority and hoped it stayed on everyone's radar screen. She noted that new start money for construction of pilot projects is significant and that Audubon is pleased. She said that the state has done a stellar job of acquiring more than half the lands needed for restoration. She then remarked that the remaining lands will be more difficult and more expensive to acquire. She noted Audubon's disappointment with the leveling off of funding for science. She explained that they will be very active in the development of the sequencing plan and noted their disappointment with the drafts to date. She said that at least 500,000 acre feet of additional storage needs to be completed before the end of the decade. She also expressed Audubon's concern with decompartmentalization, particularly the Tamiami Trail component which needs to be fast tracked. She announced that Audubon's Annual Bird-a-Thon, a twenty-four hour event, will take place on March 19, 2004.

Mr. Dan Clarke said that local municipalities and governments have not addressed the erosion problems associated with the dredge and fill projects. They have abandoned their ordinances, such as the coastal construction ordinances, that would enable them to deal with these issues. He expressed hope that the Corps would not sign the final EIS. He said if it is signed, then it would become the "poster child" for why there needs to be independent oversight and review of these projects. He questioned whether there are ethics laws in not using the best available data and said he would present this information at the Coral Reef Task Force meeting in Washington the following week. He noted that the documentation of the gas pipeline projects from the Bahamas makes no mention of impacts to reefs. He noted that for the geotechnical test alone, 480 corals had to be moved prior to the horizontal drilling. He said he was concerned that the moving of coral would become an acceptable practice.

Ms. Klee said she enjoyed working with Mr. David Struhs and wished him well. She noted they would have to elect a new Vice Chair at the May meeting. She also announced this would be Ms. Cheryl

Duckworth – Woodward's last meeting because she has accepted a job at the Bureau of Land Management in Washington D.C. She thanked her for the remarkable job she has done assisting the Task Force.

Meeting adjourned at 12:00 PM.

Enclosures:

- 1. Briefing Binder
 - a. Administrative Items
 - i. Agenda
 - ii. Draft Meeting Minutes, December 2003
 - iii. Meeting Calendar
 - iv. Task Force Roster
 - v. Vice Chair Protocol
 - vi. Consensus and Voting Protocol
 - b. Status Reports
 - i. Office of the Executive Director Memo
 - ii. Working Group
 - iii. Science Coordination Group
 - iv. Combined Structural and Operating Plan Advisory Team (CSOP)
 - v. 2005 DOI Budget
 - vi. Reporting Requirements
 - c. Programmatic Regulations
 - i. Interim Goals and Interim Targets
 - d. PIR Consultation
 - i. Indian River Lagoon
 - e. Background
 - i. <u>Task Force Statutory Responsibilities</u>
- 2. Miami Dade County Flood Management Report
- 3. Science Coordination Group Power Point
- 4. Draft Letter to Subcommittee on Interior and Related Agencies Committee on Appropriations
- 5. Corps' Budget
- 6. Scope of Work for Independent Scientific Review Panel
- 7. <u>Intergovernmental Agreement for Independent Scientific Review Panel</u>
- 8. Interim Goals and Targets Power Point Presentation
- 9. Programmatic Regulations Power Point Presentation
- 10. Cry of the Water Presentation
- 11. Indian River Lagoon Power Point Presentation
- 12. 2004 Everglades Consolidated Report
- 13. Miccosukee Tribe's Discussion Materials (Feb. 19, 2004)
- 14. Draft 2004 Workplan
- 15. Resolution in Support of the IRL and SGGE